

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Warangal District – Issue of Local Scheduled Tribe Agency Area Certificates – Cancellation of Local Scheduled Tribe Agency Area Certificate by the Collector & District Magistrate, Warangal vide Proc.No.C5/2837/2013, dated 01.07.2013 - Appeal filed by Sri Banoth Ramesh S/o.Ramulu R/o.Ootaihand, Kothaguda (M), Mahabubabad District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 38

Dated: 22-09-2023.

Read the following:-

1. Proceedings No.C5/2837/2013, dated 01.07.2013 O/o. the Collector & District Magistrate, Warangal.
2. Appeal petition filed by Banoth Ramesh S/o.Ramulu R/o.Ootaihand, Kothaguda (M), Mahabubabad District, dated 19.08.2022.
3. Govt. Memo.No.1278/TW.LTR/2022-1, dated 30.09.2022.
4. Notice Appeal No.1278/TW.LTR/2022-2, dated 30.09.2022.
5. From the Deputy Director (TW), Mahabubabad District, Lr.Rc.No.T1/913/2022, dated 21.10.2022.

ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Erstwhile Warangal District has cancelled the Local Scheduled Tribe Agency Area Certificate No.C/235/2007, dated 19.12.2007 of Sri Banoth Ramesh S/o.Ramulu R/o.Ootaihand, Kothaguda (M), Mahabubabad District.

2. In the reference 2nd read above, the Appellant Sri Banoth Ramesh S/o.Ramulu R/o.Ootaihand, Kothaguda (M), Mahabubabad District has filed the appeal petition before the Government under GO.Ms.No.24, TW (LTR.1) Department dated 12.6.2018 contending as follows:

- He belongs to ST Lambada community and native of Ootaihand of Kothaguda Mandal in the erstwhile Warangal District by birth which is a notified scheduled village as per Presidential Order, 1950. Thus, he is the local scheduled tribe of Ootai Agency village.
- The Tashsildar, Kothaguda Mandal after causing discrete enquiries about his local ST status has issued him the Agency Area Certificate bearing Rc.No.C/235/2007, dt. 19.12.2007.
- He has been provisionally selected for the post of SGT in DSC 2012 vide Hall Ticket No.121112110101608 and also opted for posting to GPS (TW) Vamputhanda under Ashram High School, Gudur.
- In spite of submitting all documentary evidences like land records etc. from 1950-51, the Collector & District Magistrate, Warangal has cancelled his local ST certificate vide Procs.No.C5/2837/2013, dt.01.07.2013 for the following reasons:

"According to the G.O.Ms.No.3, SW (TW.Edn.II) Dept. dt.10.1.2000 "The Local S.T. candidates means, the candidates belonging to the Scheduled Tribes notified as such under Article 342 of the Constitution of India and the Candidates themselves or their parents have been continuously residing in the Scheduled Areas of the Districts in which they are residents till to date since 26.01.1950". In the instant case the applicant has furnished the pahani extract of Ootai village pertaining to the year 1962-63 which itself reflects that his forefathers are not residing since 1950. Since the applicant failed to produce any evidence to prove the continuous presence of themselves

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or their parents as stated above, the DLSC opined that the local scheduled tribe candidate certificate issued to the applicant is not genuine and recommended the cancellation of the same.

In view of the above and on recommendation of the District Level Scrutiny Committee the Local S.T. Candidate Certificate No.C/235/2007, dt.19.12.2007 issued to Sri Banoth Ramesh S/o Ramulu R/o Ootai Village Kothaguda Mandal is hereby cancelled."

- He stated that his ancestors lived in Rajupeta village before 1950, which is also an agency village in Narsampet Mandal and have immovable properties in Sy.No.123 as per pahanies from 1950-51, 1954-55. Later, migrated to the present Ootai village where he was born, brought up, educated and living and submitting the following documents:
 - i) Family Tree
Chandhya is great grandfather and he has two sons namely Tulsya and Hatiya.

Hatiya is great grandfather and he has three sons namely Tulsya, Sailu (grandfather of appellant) and Mancha.

Sailu (grandfather) has three sons namely Devula, Ramulu (father of appellant) and Kethya.

He is the eldest son while Suresh is younger brother and Mangamma is only sister to his father Ramulu.
 - ii) Pahani 1950-51 of Rajupeta recorded name of Tulsya i.e. eldest brother of his great grandfather Sailu.
 - iii) KhasraPahani 1954-55 of Rajupeta recorded name of Tulsya i.e. eldest brother of his grandfather Sailu for an extent of acs.3.26 gts in Sy.No.123/42.
 - iv) Pahani 1959-60 of Ootai village – recorded name of his grandfather Sailu for an extent of acs.4.23 gts in Sy.No.138.
 - v) Pahani 1973-74 of Ootai village – recorded name of his grandfather Sailu.
 - vi) Pahani 1976-77 of Ootai village – recorded name of his grandfather Sailu.
- Tahsildar, Narsampet has issued Migration Certificate bearing Rc.No.F/03/201, dt.09.01.2018 to his own sister namely Banoth Mangamma certifying that their ancestors previously lived in Rajupeta village of Narsampet Mandal from 1950-51 as per pahanies 1950-51 and Khasra 1954-55, which is also an agency village and hence migration considered as scheduled village to schedule village.
- She has been selected as Forest Beat Officer through TSPSC Notification No.48/2017, dated 15.8.2017 under Agency Area Local ST category and issued appointment orders by the Forest Divisional Officer, Mahabubabad in Rc.No.1916/2017/S1, dated 11.02.2020 after thorough scrutiny and enquiry her Agency Area Local ST status.
- He has been again issued Agency Area Local ST certificate bearing Rc.No.C/108/2017, dt.26.05.2017 by the Tahsildar, Kothaguda Mandal.
- All the above documentary evidences amply prove that he is the Agency Area Local ST candidate of erstwhile Warangal District (present Mahabubabad District) as both Rajupeta in the present Warangal Rural District and Ootai in Mahabubabad Districts are notified agency villages as per the Officer, ITDA Eturunagaram to re-examine and consider his evidences for issuing

Presidential Order, 1950. Hence, he has approached the authorities i.e. District Collector, Collector, Warangal/Mahabubabad and the Project appointment orders as SGT but no fruitful action has been taken and deprived of employment opportunity.

- He has submitted documents related to his educational qualifications, selection as SGT in DSC 2012, land documents etc. and prayed to allow his Appeal.

3. The Appellant has submitted following documents along with the Appeal petition, originals of which have been verified and found correct. The details of the documents submitted are:

- i) Particulars of candidates opted for places – Sl.No.13 shows name of B.Ramesh opted for GPS (TW) Vamputhanda under Ashram High School, Gudur.
- ii) Merit List of Applicants in Post Category: Secondary Grade Teachers (TET results verified with online marks) – Sl.No.25 – Application No.210182 – name: Banoth Ramesh S/o Ramulu bearing Hall Ticket No.12112110101608 – Marks secured: 63.
- iii) Merit List of Applicants in Post Category: Secondary Grade Teachers – Sl.No.26–Application No.210182– name: Banoth Ramesh S/o Ramulu R/o Ootai village, Kothaguda Mandal–Total weightage:57.34.
- iv) Copy of Agency Area Certificate bearing L.Dis.No.C/235/2007, dt.19.12.2007 issued by Tahsildar, Kothaguda – wherein it was certified that Sri Banoth Ramesh S/o Ramulu R/o Ootathanda, Kothagudam Mandal has been residing since the date of his birth in Ootathanda village which is a scheduled village as per Scheduled Areas (Part-B) States Order, 1950. Hence, Agency Area Certificate is issued.
- v) Certificate of Proof of Local Scheduled Tribe Candidate bearing Rc.No.C/108/2017, dated 26.05.2017 issued by Tahsildar, Kothaguda Mandal, wherein it was certified that Sri Banothu Ramesh S/o Ramulu belonging to Lambada Scheduled Tribe community (Sl.No.29) has been residing in Ootai village of Kothaguda Mandal in Mahabubabad District which falls within the Scheduled Areas (Part-B States) Order, 1950. His parents have been residing in Otai village of Kothaguda Mandal in Mahabubabad District since 1950.
- vi) Copy of Agency Area Local Scheduled Tribe Certificate issued as per GO Ms.No.24, Tribal Welfare (LTR) Department, dated 12.06.2018, by Tahsildar, Kothaguda Mandal, wherein it was certified that his sister Banoth Mangamma D/o Ramulu belongs to Lambada-28 (ST) community and that his parents/grandparents have been continuously residing at Ootathanda of Kothaguda Mandal since 26.1.1950 to till date, which is a scheduled village as per Scheduled Area/Agency Area (Part B States) Order, 1950.
- vii) Copy of S.O.No.199/2017/S1 in Rc.No.1916/2017/S1, dated 11.02.2020 of Forest Divisional Officer, Mahabubabad District – wherein orders have been issued to his sister Smt.Banothu Mangamma D/o Ramulu (Hall Ticket No.1448014391) belongs to S.T. community was appointed to the post of “Forest Beat Officer” in erstwhile Warangal South Appointing Unit (vide Notification issued in No.48/2017).

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- viii) Copy of Migration Certificate bearing Rc.No.F/03/201, dt.09.01.2018 issued by Tahsildar, Narsampet – wherein it was certified that “on the basis of inquiry made by Village Revenue Officer & Mandal Revenue Inspector of this Mandal, Sri Banothu Mangamma D/o Ramulu R/o Rajupet village of Narsampet Manal, Warangal Rural District which falls in the scheduled area and parents have ben resided in Rajupet of Narsampet Mandal since 1950-51 and 1954-55 Khasra Pahani as per recorded of Sy.No.(123) upto before 1950 to 1957 the village also for in Agency scheduled area. Hence his migration considered as scheduled village to schedule village”. The Tahsildar, Narsampet has also drawn the following Family Tree in the Migration Certificate.

Chandhya has two sons namely Thulchya and Hatiya.

Hatiya has three sons namely Thulchya, Sailu and Mancha.

Sailu S/o Hatiya has three sons namely Devula, Ramulu and Kethya.

Devula has two sons namely Hanumanthu and Ravi.

Ramulu has three children namely Ramesh (son), Suresh(son) and Mangamma (daughter).

Kethya has three daughters namely Veena, Jyothi and Sunitha.

Mancha S/o Hatiya has two sons namely Bichya and Mangtha. Bicha has one son namely Yakub and Mangtha has one son namely Mohan.

- viii) Copy of Pahani 1950-51 – name of Banoth Tulsya was recorded.
- ix) Copy of Pahani 1954-55 – Rajupeta village – name of BanothTulsya S/o Chandu was recorded.
- x) Copy of Pahani 1959-60 – Ootai village – name of Banoth Sailu was recorded.
- xi) Copy of Pahani 1973-74 – Ootai village – Kothaguda Mandal – name of Banoth Sailu S/o Tulsya was recorded.
- xii) Copy of Pahani 1976-77 – Ootai village – Narsampeta Taluq – name of Banoth Sailu S/o Hatiya was recorded.
- xiii) Election Photo Identity Card No.URH0008177 issued by Electoral Registration Officer, 109 Mulugu Assembly Constituency to Sri Banoth Ramesh wherein his address was recorded as H.No.3-90, Ootai village, Block-4 (date of issue: 01.12.2008).
- xiv) Election Photo Identity Card No.AP/39/266/552033, dated 15.12.1995 – issued by Electoral Registration Officer, Narsampet Assembly Constituency to Sri Banotu Ramulu S/o Sailu – wherein his address was recorded as H.No.3-90, Ootai village.
- xv) Election Photo Identity Card No.AP/39/266/552271, dated 15.2.1995 – issued by Electoral Registration Officer, Narsampet Assembly Constituency to Sri Sailu Banotu S/o Hatya – wherein his address was recorded as H.No.3-89, Ootai village.
- xvi) Study, Conduct Date of Birth Certificate bearing Admn.No.261, dated 13.6.1996 for the study of 1st to 5th classes from 1995 to 2000.
- xvii) Study, Conduct and Date of Birth Certificate bearing Admn.No.736, date 1.7.2000 for the study of 6th to 10th classes from 2000 to 2005 – issued by Head Master, Govt. TW AHS Seethanagar, Gudur Mandal, District Warangal.

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- xviii) SSC Marks Memo issued by Board of Secondary Education, Andhra Pradesh, bearing DD 549116 – Regular – PC/32/31194/449116/1 for PASS in SSC in FIRST Division during March, 2005.
- xix) Study, Conduct and Date of Birth Certificate bearing Admn.No.727, dt.5.7.2008 issued by Principal, APTWRJC (B), Ashoknagar, Narsampet, Warangal Dist. for the study of Intermediate Bi.PC from 2005-06 to 2006-07.
- xx) Intermediate Pass Certificate cum Memorandum of Marks issued by Board of Intermediate Education, AP, Hyderabad bearing Sl.No.H558817 for PASS COMPARTMENTALLY in Intermediate during June, 2008.
- xxi) Bonafide and Conduct Certificate bearing Sl.No.011, Admn.No.027/2008-09, dated 24.07.2010 issued by Principal, Stanford Institute of Elementary Teacher Education (D.Ed) for the study of D.Ed. with Roll No.027 during 2008-10.
- xxii) Diploma in Education Certificate bearing Roll No.20827 issued by Board of Secondary Education, AP, Hyderabad for PASS in D.Ed. in the Examination held in July/August, 2010.
- xxiii) AP Teacher Eligibility Test (APTET) for pass in TET vide Hall Ticket No.12112110101608 (date of examination: 1.6.2012).
- xxiv) D.Ed. Consolidated Marks Memo issued by the Director of Government Examinations, AP, Hyderabad vide Roll No.20827 – name of the institute: Standford IETE.
- xxv) Community, Nativity and Date of Birth Certificate issued by Mandal Revenue Officer, Kothaguda Mandal – wherein it was certified that Sri Banoth Ramesh S/o Ramulu belongs to Lambada (ST) Sl.No.29 and native of Ootai village.
- xxvi) Community and Date of Birth Certificate bearing No.TSGGCC 01028463, dt.04.01.2019 issued by Tahsildar, Kothaguda Mandal wherein it was certified that Sri Banoth Ramesh S/o Ramulu belongs to Lambadis-28 (ST) community.
- xxvii) AP Teacher Eligibility Test (APTET) – Examination held on 8.1.2012 – Marks secured is 61 of 150.

4. In the reference 3rd read above, the Collector & District Magistrate, Mahabubabad District and the Project Officer, ITDA, Eturnagaram, Mulugu District has been requested to submit connected records documents pertaining to the case along with para-wise remarks. The Deputy Director (TW), Mahabubabad District has submitted the original case record of C5/2837/2013 of District Collector, Warangal vide reference 5th read above.

5 As seen from file No.C5/2837/2013 of the District Collector, Warangal, in respect of the appellant Sri Banoth Ramesh S/o Ramulu R/o Ootai village of Kothaguda Mandal, the DLSC resolved that the candidate has submitted attested copy of Pahani 1962-63 of Ootai village and Tahsildar, Kothaguda Memo.No.C/60/2013, dt.7.3.2013 only and no document which is dated 1950. Therefore, recommended to cancel his local ST certificate bearing No.C/295/2007, dt.19.12.2007 issued by Tahsildar, Kothaguda.

6. In the reference 4th read above, a Notice was issued to the Appellant to attend for hearing on 22.10.2022 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Banoth Ramesh S/o.Ramulu has attended for hearing on 22.10.2022.

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7. During hearing, the appellant has been questioned as to why he failed to produce documentary evidences before the DLSC related to period before 1962-63. The appellant stated that he prayed for time for submission of those documents as they have to be obtained from Tahsildar's office, Narsampet, but the authorities have not given him opportunity/time and the appellant has submitted some more documents.

- i. Renyathanda GP Resolution dt.17.10.2022- wherein it was resolved that the family of Sri Banoth Sailu migrated from Rajupeta village to Ootai village in the year 1957-58 during the family disputes between his paternal and his father viz., Banoth Tulsya and Banoth Hatiya. Banoth Hatiya along with his Banoth Sailu migrated to Ootai village.
- ii. Renyathanda, Ootai PESA Gram Sabha Resolution dt.17.10.2022 – wherein it was resolved that the family of Banoth Sailu S/o Hatiya migrated from Rajupeta village to Ootai village during 1957-58 during family disputes between paternal uncle of Sailu viz., Banoth Tulsya S/o Chandya. It was resolved in the Gram Sabha meeting that the family resided in Rajupeta village from before 1950.
- iii. Rajupet GP Resolution dt.18.10.2022 – wherein it was resolved that the sons of Banoth Chandya viz., Banoth Tulsya and Banoth Hatiya lived in Rajupeta village from before 1950 to 1957-58. Due to family disputes, son of Banoth Hatiya viz., Banoth Sailu migrated to Ootai village.
- iv. Rajupeta PESA Gram Sabha Resolution dt.18.10.2022 – wherein it was resolved that due to family disputes, Sri Banoth Hatya S/o Chandya and his son Banoth Sailu migrated to Ootai village.

8. Upon perusal of the documentary evidences produced by the Appellant, Sri Banoth Ramesh S/o.Ramulu it is found that the appellant and his forefathers have been continuously residing in the agency area i.e. in Rajupeta of erstwhile Narsampet Mandal from before 1950 to 1957-58 and thereafter in Ootai village of KothagudaMandal in the present Mahabubabad District (erstwhile Warangal District).

9. Government after careful examination of the matter, hereby allow the Appeal filed by Sri Banoth Ramesh S/o Ramulu R/o Ootai village of Kothaguda Mandal, Mahabubabad District, treating his Local ST certificate bearing No.C/235/2007, dated 19.12.2007 issued by Tahsildar, Kothaguda Mandal as genuine duly setting aside orders of Collector & District Magistrate, Warangal in Procs. No.C5/2837/2013, dated 01.07.2013.

The Collector and District Magistrate, Mahabubabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To
The Collector and District Magistrate, Mahabubabad District (By RPAD)
Sri Banoth Ramesh S/o.Ramulu R/o. Ootaitlanda, Kothaguda (M),
Mahabubabad District (By RPAD)

Copy to:-

The Commissioner and Director of School Education,
Telangana State, Hyderabad.
The Collector and District Magistrate, Warangal District
The District Educational Officer, Warangal. (By RPAD)
(for information & necessary action)

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The District Educational Officer, Mahabubabad. (By RPAD)
(for information & necessary action)
The Project Officer, ITDA, Eturnagaram, Mulugu District (By RPAD)
(for information & necessary action)
The Deputy Director (TW) Mahabubabad District (By RPAD)
The P.S. to Hon'ble Minister for ST Welfare.
The PA to Secretary (TW).
The PA to Special Secretary (TW).
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//FORWARDED::BY ORDER//

SECTION OFFICER.